IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21940 of 2004

Between:

T.S.N.M. Prasad, S/o. T. Krishna Murthy,
R/o. Flat No. 5, Pragathi Nagar, Opp Megacity School, Kunlur Road,
Hayathnagar, Ranga Reddy District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Hyderabad City Region,
At Jubilee Bus Station, Picket, Secunderabad.
2 The Depot Manager, APSRTC, Hayatnagar Bus Depot,
Hayatnagar, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in not giving the Special Grade of respective posts to the petitioner w.e.f. the completion of 12 years of the service in APSRTC by adding stagnation increment is bad, arbitrary, illegal, unjust and contrary to the Circular of APSRTC and consequently direct the respondents to award special grade to the petitioner with effect from (w.e.f) the completion of 12 years of service by counting the respective category service in the previous and present regions of the APSRTC.

Counsel for the Petitioner:P.RAJESWARA RAO

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court at the stage of admission made the following ORDER:

Petitioner was employed as Conductor in the APS RTC on 15.02.1985. Ever since then he has been working as such in various depots. His grievance is that he has not been extended the benefit of stagnation increment on completion of 12 years of service. He seeks appropriate directions in this regard.

Heard learned counsel for the petitioner and learned standing counsel for respondents.

It is not in dispute that the petitioner has completed 12 years of service and that the APSRTC had issued circulars providing for grant of stagnation increment to its employees on completion of 12 years of service in the same post. Till recently, there was some uncertainty as to whether the 12 years qualifying service shall be in the same division or in different divisions. It came tobe clinched with the Judgment of this Court in W.A.No.1301 of 2000 dated 29.10.2002. It was held that irrespective of the number of divisions where the employee worked, he shall be entitled for such increment on completion of 12 years of service. Thereafter, number of writ petitions were allowed extending such relief.

Hence, this writ petition is allowed directing that the petitioner shall be extended the benefit of stagnation increment within six weeks from the date of receipt of a copy of this order, on verifying whether he has completed requisite length of service. No order as to costs.

01.12.2004

ksld

To

1 The Regional Manager, APSRTC, Hyderabad City Region,
At Jubilee Bus Station, Picket, Secunderabad.
2 The Depot Manager, APSRTC, Hayatnagar Bus Depot,
Hayatnagar, Ranga Reddy District.

3 Two CD copies.